

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

BRIAN ANTHONY GILBERT,

Defendant

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CRIMINAL NO. PWG-20-374

MOTION FOR FINAL ORDER OF FORFEITURE

The United States of America hereby moves for a final order of forfeiture with respect to the property included in the preliminary order of forfeiture in this case, and in support states the following:

1. On September 8, 2021, the defendant Brian Anthony Gilbert (the “Defendant”) pled guilty to production of child pornography, in violation of 18 U.S.C. § 2251(a) (Counts Three and Six), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) (Count Nine). ECF No. 32.

2. On November 18, 2021, the Court entered a Preliminary Order of Forfeiture, ECF No. 37, forfeiting all of the Defendant’s right, title, and interest in the following property to the United States:

- (a) an HP laptop, serial number CND6310DPY, seized on September 11, 2020 from the Defendant’s residence (20-FBI-006825);
- (b) a black iPhone 5S, IMEI 01385000070820, seized on September 11, 2020 from the Defendant’s residence (20-FBI-006825); and
- (c) a Samsung tablet, IMEI 359829060330346, seized on September 11, 2020 from the Defendant’s residence (20-FBI-006825);

(collectively, the “Subject Property”).

3. Pursuant to 21 U.S.C § 853(n)(1), the United States published notice of the forfeitures on the official government website, www.forfeiture.gov, from November 19, 2021 through December 18, 2021. *See* Declaration of Publication, Exhibit 1. The United States did not send direct notice to any parties, as there were no known potential claimants to the Subject Property identified based on a review of the relevant investigative materials.

4. No claims were filed with respect to the Subject Property and the deadline for doing so expired on January 18, 2022—30 days from the last date of publication. *See* 21 U.S.C. § 853(n)(2).

5. As the Defendant's rights in the Subject Property have been forfeited to the United States and no timely third-party claims to the Subject Property have been received, the United States requests that the Court enter a Final Order of Forfeiture forfeiting the Subject Property.

WHEREFORE, the United States respectfully requests that the Court enter a Final Order of Forfeiture of the Subject Property and declares that pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure all third-party claims to the Subject Property have been resolved, and its Final Order of Forfeiture is now final with respect to the Subject Property. A proposed order is attached for the convenience of the Court.

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/ _____
Joseph R. Baldwin
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion for Final Order of Forfeiture was filed via CM/ECF and served electronically on all parties via that system.

/s/ _____
Joseph R. Baldwin
Assistant United States Attorney